

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

DURRELL ANTHONY PUCKETT,

Plaintiff,

v.

BARAONA, *et al.*,

Defendants.

Case No. 1:21-cv-01448-DAD-BAM (PC)

ORDER GRANTING MOTION FOR  
ADMINISTRATIVE RELIEF RE: REQUEST  
FOR EXTENSION OF TIME TO FILE  
WAIVERS OF SERVICE OF PROCESS

(ECF No. 34)

**Waivers of Service of Process Due: June 7,  
2022**

Plaintiff Durrell Anthony Puckett ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's first amended complaint against: (1) Defendants Baraona, Burneszki, Leos, Hernandez, Diaz, and Doe 1 for excessive force in violation of the Eighth Amendment; (2) Defendant Leos for sexual assault in violation of the Eighth Amendment; and (3) Defendants A. Ruiz, Martinez, E. Ruiz, Meiers, Gutierrez, A. Cruz, K. Cronister, and Jane Doe Nurse for failure to protect in violation of the Eighth Amendment.

On March 17, 2022, the Court ordered electronic service on Defendants Baraona, Burneszki, Leos, Hernandez, Diaz, A. Ruiz, Martinez, E. Ruiz, Meiers, Gutierrez, A. Cruz, and K. Cronister and directed the California Department of Corrections and Rehabilitation ("CDCR") to file a Notice of E-Service Waiver advising the Court which defendant(s) would be waiving

1 service of process without the need for personal service. (ECF No. 17.) That order also required  
2 the California Office of the Attorney General (“OAG”) to file, within 30 days from the filing of  
3 the Notice of E-Service Waiver, a separate waiver of service of process for any defendant  
4 waiving service under Federal Rule of Civil Procedure 4(d)(1). (*Id.*) CDCR returned the Notice  
5 of E-Service Waiver indicating that Defendants Baraona, Burneszki, Leos, Hernandez, Diaz, A.  
6 Ruiz, E. Ruiz, Gutierrez, and K. Cronister intend to waive service on April 21, 2022. (ECF No.  
7 22.) Therefore, waivers of service of process from the OAG for these defendants were due on or  
8 before May 23, 2022.

9 On May 20, 2022, counsel for the OAG, by special appearance, filed a motion for  
10 administrative relief requesting a fifteen-day extension of time to file waivers of service of  
11 process for Defendants Baraona, Burneszki, Leos, Hernandez, Diaz, A. Ruiz, E. Ruiz, Gutierrez,  
12 and K. Cronister. (ECF No. 34.) Counsel from the OAG states that the extension is necessary to  
13 determine whether the OAG will be representing these defendants in this case. Until that  
14 determination is made, the OAG is unable to file a waiver of service of process on behalf of these  
15 defendants. Counsel expects a fifteen-day extension will allow enough time to determine whether  
16 the OAG will be representing these defendants. (*Id.*)

17 Having considered the request, the Court finds that there is good cause to grant an  
18 extension of time for these defendants to file their waivers of service of process. Fed. R. Civ. P.  
19 6(b). The Court further finds that Plaintiff will not be prejudiced by the brief extension.

20 Accordingly, the motion for an extension of time, (ECF No. 34), is HEREBY GRANTED.  
21 Defendants Baraona, Burneszki, Leos, Hernandez, Diaz, A. Ruiz, E. Ruiz, Gutierrez, and K.  
22 Cronister shall file waivers of service of process on or before **June 7, 2022**.

23  
24 IT IS SO ORDERED.

25 Dated: May 23, 2022

  
UNITED STATES MAGISTRATE JUDGE